

Parker PA DC PR Merged

Designation List Report



In, Mr Clif Parker

2022-10-25



ID: V1M

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DESIGNATION	SOURCE	DURATION	ID
9:07 - 9:22	In, Mr Clif Parker 2022-10-25	00:00:41	V1M.1
9:07	Q. Could you please state your full name and		
9:08	your address.		
9:09	A. Clifton Earl Parker, 22018 Panama City		
9:10	Beach, Florida.		
9:11	Q. Is that your home address or your work		
9:12	address?		
9:13	A. Home address.		
9:14	Q. Are you currently employed?		
9:15	A. I am.		
9:16	Q. Where are you employed?		
9:17	A. I have multiple businesses, but primary		
9:18	business is Restore Robotics and Restore Robotics		
9:19	Repairs.		
9:20	Q. And are all of your businesses also		
9:21	located in Panama City area?		
9:22	A. Yes, they are.		
13:21 - 14:23	In, Mr Clif Parker 2022-10-25	00:01:22	V1M.2
13:21	You are the CEO of Restore Robotics LLC;		
13:22	is that correct?		
13:23	A. That's correct.		
13:24	Q. And the majority owner?		
13:25	A. Correct.		
14:01	Q. And what is your position with respect to		
14:02	Restore Robotics Repair?		
14:03	A. I'm a 50 percent owner.		
14:04	Q. Who is the other 50 percent?		
14:05	A. Kevin May.		
14:06	Q. And do you have a job title of some kind		
14:07	with Restore Robotics Repair?		
14:08	A. I'm the CEO --		
14:09	Q. So you're --		
14:10	A. Actually, that -- let me be more accurate,		
14:11	I personally am not a 50 percent owner, one of my		
14:12	companies, Parker Holding Group, is a 50 percent owner,		
14:13	and Kevin May and Jodi May Trust is the other		
14:14	50 percent owner.		
14:15	Q. And what's the level of your ownership in		
14:16	Restore Robotics?		
14:17	A. Through Parker Holding Group, it's 52		

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	14:18 percent.		
	14:19 Q. Are there any other co-owners of Restore		
	14:20 Robotics today, other than yourself, Mr. May, and		
	14:21 Mr. Vautrot, other than, like, through intermediate		
	14:22 companies --		
	14:23 A. No.		
31:15 - 32:01	In, Mr Clif Parker 2022-10-25	00:00:40	V1M.3
	31:15 Q. Am I correct that as of today you do not		
	31:16 possess the technology that would be needed to do that		
	31:17 with the Xi instruments?		
	31:18 A. We don't have all of the technology		
	31:19 completed, it's just I -- we have the ability, but we		
	31:20 haven't completed all of it, we've -- we've completed		
	31:21 quite a few functions, but it's not in a commercial		
	31:22 ready to go form yet.		
	31:23 Q. So if somebody brought an Xi instrument to		
	31:24 you today that had only one life left on it, you would		
	31:25 not be able to reset it; correct?		
	32:01 A. That's correct.		
88:25 - 89:12	In, Mr Clif Parker 2022-10-25	00:00:43	V1M.25
	88:25 Q. When did you begin the effort to find a		
	89:01 way to reset the usage counter on the X and Si?		
	89:02 A. As soon as we had a good understanding of		
	89:03 how to reset the counter on the Si, we immediately		
	89:04 started looking at the Xi.		
	89:05 Q. Do you know when that was?		
	89:06 A. Not exactly, no. It's sometime in 2020,		
	89:07 but I'm not sure of the dates.		
	89:08 Q. So that work has been ongoing ever since		
	89:09 2020?		
	89:10 A. Yes.		
	89:11 Q. And it is still not complete; correct?		
	89:12 A. Correct.		
130:02 - 130:23	In, Mr Clif Parker 2022-10-25	00:01:07	V1M.4
	130:02 Earlier on, Ms. Winner, a couple times,		
	130:03 referenced the fact that you were -- Restore was not		
	130:04 utilizing its repair technology since, I believe it was		
	130:05 late 2019; is that right?		
	130:06 A. We were not, we stopped using Rebotix's		
	130:07 repair technology in October of 2019, and then we've		

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	130:08 started developing our own December of 2019, January of		
	130:09 2020.		
	130:10 Q. You have not reset any EndoWrists with		
	130:11 Restore technology since that time; correct?		
	130:12 A. Not for hospitals, just for internal		
	130:13 testing purposes.		
	130:14 Q. Why haven't you reset any EndoWrist for		
	130:15 hospitals in that time frame?		
	130:16 A. It's futile. If we do that, then		
	130:17 Intuitive goes to the hospital and threatens to end		
	130:18 their contracts, threatens to not sell them		
	130:19 instruments, not sell them accessories, threatens to		
	130:20 move their doctors to other hospitals, et cetera.		
	130:21 Q. And you say that because that's what		
	130:22 Intuitive has done in the past?		
	130:23 A. Correct.		
132:24 - 133:01	In, Mr Clif Parker 2022-10-25	00:00:09	V1M.5
	132:24 Q. Do you think that Restore's experience in		
	132:25 repairing Si chips is relevant to getting into the Xi		
	133:01 business?		
133:05 - 134:07	In, Mr Clif Parker 2022-10-25	00:01:58	V1M.6
	133:05 THE WITNESS: Yes.		
	133:06 BY MR. CORRIGAN:		
	133:07 Q. How so?		
	133:08 A. Well, the instrument itself is -- I'm		
	133:09 trying to think of the best way to describe it, it's a		
	133:10 very mechanical instrument, robotic is a misnomer when		
	133:11 it comes to the instrument, it's basically your -- your		
	133:12 typical laparoscopic instrument that has different --		
	133:13 different type of end factors, whether that's scissors		
	133:14 or graspers, what have you, so the very tip end of the		
	133:15 instrument is just like any other instrument.		
	133:16 The ability for that instrument to rotate		
	133:17 is simple gears and pulleys and wires, I mean, there's		
	133:18 nothing electronic, there's nothing special about that.		
	133:19 And then when you compare the Si to the Xi		
	133:20 instruments, if I was to, you know, put a cover on		
	133:21 the -- the cap that connects to the robot, and you just		
	133:22 look at the bottom, you know, 7/8ths of the instrument,		
	133:23 you can't tell the difference from one instrument to		

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	133:24 the other, whether it's by look or by material		
	133:25 analysis, they're the same instrument.		
	134:01 The only difference between the Si and the		
	134:02 Xi is that housing, the Xi is rotated 90 degrees. The		
	134:03 Si instrument connects to the robot with four contact		
	134:04 pins, whereas the Xi connects via RFID, so the only		
	134:05 real difference is the difference between four pogo		
	134:06 connector pins and RFID for communication between the		
	134:07 counter and the robot arm.		
141:14 - 141:17	In, Mr Clif Parker 2022-10-25	00:00:11	V1M.7
	141:14 Q. How confident are you that, you being		
	141:15 Restore, and its tech partners will be able to come up		
	141:16 with the technology to bypass the X and the Xi chip?		
	141:17 A. Extremely.		
141:20 - 141:21	In, Mr Clif Parker 2022-10-25	00:00:04	V1M.8
	141:20 THE WITNESS: I'm extremely confident, I'm		
	141:21 a hundred percent confident.		
142:13 - 143:02	In, Mr Clif Parker 2022-10-25	00:01:10	V1M.9
	142:13 Q. When did Restore first consider repairing		
	142:14 Xi and X compatible EndoWrists, roughly?		
	142:15 A. We were first contacted by Rebotix, or		
	142:16 Kevin and Rebotix met, and I believe it was -- it was		
	142:17 April of 2018, and then sometime between April 2018 and		
	142:18 October '18, we had the discussions with Rebotix to be		
	142:19 their repair center.		
	142:20 So we were doing -- we started doing the		
	142:21 repairs for their customers, our customers, and any		
	142:22 other distributors starting in October of 2018.		
	142:23 And then December of 2019, I think, is		
	142:24 when we undertook our development efforts to develop		
	142:25 our technology. I think we got our first chips, our		
	143:01 first boards developed and completed in June -- I		
	143:02 believe June of 2020.		
143:18 - 143:20	In, Mr Clif Parker 2022-10-25	00:00:10	V1M.10
	143:18 Q. Mr. Parker, when would Restore have begun		
	143:19 to repair X and Xi compatible EndoWrists in a world		
	143:20 without Intuitive's anticompetitive behavior?		
143:23 - 144:04	In, Mr Clif Parker 2022-10-25	00:00:36	V1M.36
	143:23 THE WITNESS: So we -- we started in 2020,		

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	143:24 I guess we, in a -- in a but-for world, if that's what		
	143:25 you want to call it, we would have started in 2019, we		
	144:01 felt that, you know, we would have easily met the --		
	144:02 January 2022 as a -- the time frame when we would be		
	144:03 able to be in the market and have the chip completed		
	144:04 and ready to go.		
149:08 - 150:22	In, Mr Clif Parker 2022-10-25	00:02:07	V1M.12
	149:08 Q. Now, does Restore have the ability to ramp		
	149:09 up its repair business due to an increased --		
	149:10 increased -- increased business --		
	149:11 A. Absolutely.		
	149:12 Q. Let me try that again, I think I can -- I		
	149:13 think I can do better than that.		
	149:14 Does Restore have the ability to ramp up		
	149:15 in the face of increased repair business?		
	149:16 A. Absolutely.		
	149:17 Q. How so?		
	149:18 A. So whether that's individually or through		
	149:19 partners like Alliance Healthcare, Alliance has been in		
	149:20 the business of doing remanufacturing of single use		
	149:21 devices, have done millions and millions of those		
	149:22 devices, we know how long it takes to do the repair, we		
	149:23 know the manpower it takes, and it's -- it's not a --		
	149:24 it's not a complicated process, and -- and Kevin has		
	149:25 done the analysis on how many man-hours it takes to do		
	150:01 X number of EndoWrists, I don't have those numbers off		
	150:02 the top of my head, but he probably has them committed		
	150:03 to memory because that's part of what he did, so being		
	150:04 able to ramp up and do hundreds of instruments a day is		
	150:05 not an issue.		
	150:06 Q. Has Restore ever attempted to repair		
	150:07 Senhance compatible instruments?		
	150:08 A. We have not, no.		
	150:09 Q. Has Restore ever attempted to repair Flex		
	150:10 compatible instruments?		
	150:11 A. We have not.		
	150:12 Q. Do you have any information on whether		
	150:13 other independent repair companies have ever tried to		
	150:14 repair Senhance and/or Flex compatible instruments?		
	150:15 A. I am not aware.		

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	150:16 I've had conversations with the CEO of		
	150:17 TransEnterix, the original name, about that, and so I		
	150:18 do know that they were in discussions with, you know,		
	150:19 traditional repair companies on the instrument repair		
	150:20 because I believe their instruments did not have a		
	150:21 usage counter, and they were in discussion with us		
	150:22 about doing repairs on the physical robot itself.		
166:17 - 166:20	In, Mr Clif Parker 2022-10-25	00:00:08	V1M.13
	166:17 BY MR. CORRIGAN:		
	166:18 Q. What was your projection on the number or		
	166:19 percentage of hospitals that would have been willing to		
	166:20 use your services to repair EndoWrists?		
166:22 - 167:04	In, Mr Clif Parker 2022-10-25	00:00:15	V1M.37
	166:22 THE WITNESS: 70, 80 plus percent that		
	166:23 was --		
	166:24 BY MR. CORRIGAN:		
	166:25 Q. What was that base -- I'm sorry, I'm		
	167:01 sorry, go ahead.		
	167:02 A. 70 to 80 plus percent is what we were		
	167:03 actually experiencing, so we -- we didn't see any		
	167:04 reason for that to change.		
172:10 - 172:20	In, Mr Clif Parker 2022-10-25	00:00:44	V1M.14
	172:10 You mentioned that Restore had an		
	172:11 agreement with SIS; is that correct?		
	172:12 A. That's correct.		
	172:13 Q. What was the nature of that agreement,		
	172:14 generally?		
	172:15 A. It was a distribution agreement, so		
	172:16 basically SIS would represent Restore Robotics --		
	172:17 actually, I need to think about that for a second.		
	172:18 SIS would have the ability to utilize our		
	172:19 technology in repairing the Xi instruments for them to		
	172:20 sell those repair services to their hospital customer.		
174:17 - 174:21	In, Mr Clif Parker 2022-10-25	00:00:14	V1M.15
	174:17 Q. I believe you also testified about the		
	174:18 complexity of repairing an EndoWrist.		
	174:19 Do you have an opinion as to whether or		
	174:20 not, with respect to the repair of the device itself,		
	174:21 SIS was qualified to repair EndoWrists?		

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174:24 - 175:03	In, Mr Clif Parker 2022-10-25 174:24 THE WITNESS: The EndoWrist repair is a 174:25 very simple repair, especially in comparison to the 175:01 other repairs that SIS is involved with, so it's a -- 175:02 it's not near as complicated as, for example, a 175:03 flexible end scope.	00:00:19	V1M.38
176:02 - 176:07	In, Mr Clif Parker 2022-10-25 176:02 Q. First of all, on the question of your 176:03 business with SIS, was SIS -- was your relationship 176:04 with SIS ever involving SIS itself actually doing any 176:05 physical work on the EndoWrists to change the usage 176:06 counters? 176:07 A. No.	00:00:18	V1M.26
182:01 - 182:04	In, Mr Clif Parker 2022-10-25 182:01 Q. Did Rebotix ever have the technology, to 182:02 your knowledge, to reset the usage counter on the Xi? 182:03 A. Not to my knowledge, they had not done 182:04 that yet.	00:00:11	V1M.22
184:01 - 184:25	In, Mr Clif Parker 2022-10-25 184:01 Q. You were also asked about your ability to 184:02 ramp up your business in -- in resetting EndoWrists, 184:03 and you -- you cited as the main way you do it, the 184:04 Alliance's experience with millions of single use 184:05 devices. 184:06 Do I have that right? 184:07 A. Well, I mean, that's -- that's not the 184:08 reason that we have the ability to ramp up, but they 184:09 have the -- the ability to ramp up, and we -- when we 184:10 were doing the repairs ourselves, we knew what it took 184:11 to do a certain number of repairs and remanufacturing, 184:12 so we know what it takes to do that, and we've done 184:13 that analysis, both internally and with Alliance and, 184:14 you know, Rick has assured us that volume is not a 184:15 problem, we can handle it. 184:16 Q. There's no limit on the volume they can 184:17 handle? 184:18 A. Well, there's a limit, but we know how 184:19 many instruments are being used, and we know the 184:20 potential world of repairs that we could potentially 184:21 do, so it's not like there's going to be, you know,	00:01:30	V1M.16

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	184:22 millions of instruments flowing in every week, 184:23 there's -- there's not that many being used, so if 184:24 it's, you know, hundreds every week, or even a 184:25 thousand, that's -- that's a -- not unmanageable.		
186:21 - 187:06	In, Mr Clif Parker 2022-10-25 186:21 Q. You were asked whether you'd be concerned 186:22 about Intuitive buying up used EndoWrists to prevent 186:23 your recycling business. 186:24 Do you remember that question? 186:25 A. Yes. 187:01 Q. Has Intuitive done that? 187:02 A. I don't know. 187:03 Q. Do you have any reason to believe they 187:04 have? 187:05 A. No, but I -- I just -- I don't know one 187:06 way or the other if they have.	00:00:27	V1M.23
190:04 - 190:08	In, Mr Clif Parker 2022-10-25 190:04 What I asked you was: If you had reason 190:05 to think that somebody was using one of your products, 190:06 going to do something to one of your products that was 190:07 going to injure somebody, would you try to do something 190:08 about it?	00:00:11	V1M.27
190:10 - 190:11	In, Mr Clif Parker 2022-10-25 190:10 THE WITNESS: I would try to do something 190:11 about it, most likely.	00:00:03	V1M.28
196:14 - 197:04	In, Mr Clif Parker 2022-10-25 196:14 Q. What would you do if you thought someone 196:15 was using your equipment in a way that you thought was 196:16 going to harm someone? 196:17 A. Well, I would let the hospital know in 196:18 this situation, because that's their responsibility, 196:19 so -- I don't think I would attack my customer, I think 196:20 I would let someone know that, you know, 'Hey, this is, 196:21 you know, a potential problem,' and let them make that 196:22 determination. 196:23 They're the ones that's ultimately 196:24 responsible for the safety of their patient with their 196:25 equipment. 197:01 So my job would be to notify them, 'Hey, I	00:00:47	V1M.29

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